

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 1248 OF 2013

Vinod Suganchand Sharma	...	Petitioner
V/s.		
The State of Maharashtra & Anr.	...	Respondents

Mr.Aabad H.H. Ponda for the Petitioner.
Mr.J.P. Yagnik, APP for the Respondent-State.

**CORAM : RANJIT MORE &
DR.SHALINI PHANSALKAR-JOSHI, JJ.**

DATE : 5th JANUARY, 2017.

P.C. :

1] Mr.Ponda, learned counsel for the Petitioner, on instructions of the Petitioner, submits that he is restricting this petition so far as the relief claimed in prayer clause (f), which reads as follows;

“This Hon'ble Court may be pleased to direct that the statement of the Petitioner be recorded afresh by an independent officer and if the same discloses cognizable offence he may be directed to take action as per law.”

2] Mr.Ponda, learned counsel for the Petitioner invites our attention to the statement at page 26, the complaint dated 9th

August, 2012 and make a grievance that Respondent No.2 has not recorded the Petitioner's statement correctly and this statement was recorded in the presence of the prospective accused. His only prayer is that the statement of the Petitioner be recorded afresh by any other Officer and if, the same discloses commission of cognizable offence, an appropriate action be taken.

3] Mr.Yagnik, learned APP submits that appropriate order may be passed.

4] In the light of the grievance made by the Petitioner, in our considered view, the Petitioner's statement should be recorded afresh by the Officer other than Respondent No.2. We direct that Senior Police Inspector, Turbhe Police Station shall record the Petitioner's statement afresh. This exercise shall be done within a period of one week from the receipt of this order. In case, the statement discloses the commission of cognizable offence, the Senior Police Inspector shall take appropriate action in accordance with law.

5] Subject to above, this Petition is disposed of.

[DR.SHALINI PHANSALKAR-JOSHI, J.]

[RANJIT MORE, J.]